

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JESSE HOWARD GARCIA,

Petitioner,

v.

OPINION & ORDER

LOUIS WILLIAMS II,

17-cv-115-jdp

Respondent.

Petitioner Jesse Howard Garcia is in the custody of the federal Bureau of Prisons (BOP) at the Federal Correctional Institution in Oxford, Wisconsin. Appearing pro se, Garcia seeks a writ of habeas corpus under 28 U.S.C. § 2241, challenging his 2016 conviction in the District of Minnesota for conspiring to distribute methamphetamine and for being a felon in possession of a firearm. Petitioner has paid the filing fee and the petition is before the court for preliminary review under Rule 4 of the Rules governing Section 2254 Cases in the United States District Courts, which is applicable to § 2241 cases through Rule 1(b).

I will deny the petition as frivolous. Garcia labels his habeas petition as one “seeking the release of the ‘presumed collateral’ (body),” and he contends that “the flesh and blood, private sovereign man . . . [has] no liability in this matter.” Dkt. 1, at 1, 2. He raises no substantive arguments concerning his conviction or sentence other than long-discredited “sovereign citizen” theories of the government’s jurisdiction over individuals. The Court of Appeals for the Seventh Circuit has instructed district courts to summarily reject these theories, and I will do so here. *See United States v. Benabe*, 654 F.3d 753, 767 (7th Cir. 2011) (“Regardless of an individual’s claimed status of descent, be it as a ‘sovereign citizen,’ a ‘secured-party

creditor,’ or a ‘flesh-and-blood human being,’ that person is not beyond the jurisdiction of the courts.”).

Garcia also states that he was injured by prison staff when they forced him to have his fingerprints and photograph taken. If Garcia means to bring claims for monetary or injunctive relief for those events, he may do so in a separate case, but those allegations do not belong in this habeas petition, and I will disregard them.

ORDER

IT IS ORDERED that:

1. Petitioner Jesse Howard Garcia’s petition for writ of habeas corpus under 28 U.S.C. § 2241, Dkt. 1, is DENIED, and this case is DISMISSED.
2. The clerk of court is directed to enter judgment for respondent and close this case.

Entered May 9, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge